

**REMARKS**

Following a successful petition to revive, the above-referenced application was forwarded to the Examiner for further review of claims 17-20. In the outstanding office action received after the grant of the petition, claims 17, 18 and 20 were rejected as anticipated by Miller, U.S. Patent No. 4,532,743, while claim 19 was indicated to be allowable if rewritten into independent form. By way of this amendment, claim 19 is so amended and the anticipation rejection of the remaining claims is traversed. Accordingly, claims 17-20 remain pending, with claims 17, 18 and 20 being at issue.

Turning to the only prior art rejection, claim 17, 18 and 20 have been rejection as anticipated by Miller, U.S. Patent No. 4,532,743. The applicants respectfully traverse this rejection.

Claim 17 specifies, *inter alia*, **a panel** for a sectional door comprising a frame with a plurality of material layers received within the frame, *wherein the layers are moveable relative to each other*.

Miller fails to disclose such elements. First, the frame purportedly identified by the Examiner is not a frame for a panel of a sectional door at all, but rather is a frame for the entire door itself. Accordingly, the relative movement of the glass doors 20 and 22 within the frame (identified by elements 30, 32 and 34) is irrelevant in that the initial element of the claim, identified in the preamble as "a panel for a sectional door", has not been met.

However, even assuming, *arguendo*, that the Examiner is within his right to take a broad reading of Miller and go beyond its disclosure to suggest that a sliding glass door assembly could be hinged to another sliding glass door assembly, wherein each individual door assembly is viewed as a panel, the anticipation rejection of the Examiner fails as well. Claim 17, and its method counterpart claim 20, specify that the layers are both held in place by the frame, and moveable relative to each other within the frame. The "plurality of material layers" of Miller, identified by the Examiner as its elements 20 and 22 do not satisfy both requirements of this element. More specifically the first panel 20 is moveable within its frame, and the second panel 22 is described as a "stationary panel" meaning that there is relative movement between the layers. What Miller does not teach, however, is the layers

being held in place by the frame. Indeed, since panel 20 is intended to move back and forth relative to panel 22 to open and close the door, Miller directly teaches away from the concept of the panels being held in place by the frame. While the frame may limit and guide the movement of panel 20, it is not held in place by the frame in the sense that the material layers in the instant invention are held in place. In the instant invention, the frame maintains the layers in the same orientation, but without the need for those layers to be adhered or otherwise joined to each other, allowing the beneficial claimed relative movement between the layers that may be desirable given their different thermal expansion or other properties.

In light of the foregoing, and the requirement that any anticipation rejection requires the disclosure of each and every element of a pending claim by a single prior art reference, and that that disclosure is not provided by Miller, the applicants respectfully submit the anticipation rejection must be withdrawn.

Moving beyond the anticipation rejection, the applicants respectfully submit that the pending subject matter should not be viewed as an obvious modification of Miller as well. In order for such a modification to be obvious, Miller would have had to at least suggest the difficulties encountered with material having different coefficients of thermal expansion and thus expanding at different rates when exposed to a wide temperature range. If it had, it would also have suggested the stresses such different rates of thermal expansion place on the structure of the door, thus moving parts out of alignment and interfering with the overall operation of the door as well. However, Miller is silent in this regard and thus cannot fairly be characterized as suggesting the problem identified by the pending disclosure, much less the solution afforded by the subject matter of the pending claims.

In light of all the foregoing, the applicants respectfully submit that the subject matter of pending claims 17-20 is in condition for allowance and respectfully requests same.

Should the Examiner have any questions, he is respectfully invited to telephone the undersigned.

Dated: October 27, 2003

Respectfully submitted,

By 

Thomas A. Miller

Registration No.: 40,091

Marshall, Gerstein & Borun LLP

223 South Wacker Drive

6300 Sears Tower

Chicago, IL 60606

(312) 474-6300

Attorneys for Applicant